

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GROVER J. KELLEY, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BAXTER INTERNATIONAL, INC., JOSEPH
E. ALMEIDA, JAMES K. SACCARO, and
JAMES W. BORZI,

Defendants.

Case No. 1:23-cv-04497

CLASS ACTION

Honorable Jeffrey I. Cummings

JOINT MOTION FOR ORDER OF DISMISSAL

Lead Plaintiff Grover J. Kelley (“Plaintiff”) and Defendants Baxter International Inc. (“Baxter”), Joseph E. Almeida, James K. Saccaro, and James W. Borzi (collectively, the “Defendants” and, together with Plaintiff, the “Parties”) respectfully move for entry of an order dismissing the above-captioned action with prejudice as to Plaintiff, and without prejudice as to the rest of the purported class. In support thereof, the Parties state as follows:

1. On July 12, 2023, Plaintiff filed this action on behalf of all persons or entities who purchased or otherwise acquired Baxter securities between May 25, 2022 and February 8, 2023, inclusive (the “Action”). ECF No. 1.
2. On September 20, 2023, the Court issued an Order appointing Plaintiff as lead plaintiff and approving his selection of lead counsel for the putative class. ECF Nos. 17-18.
3. On October 4, 2023, following entry of the Court’s order appointing Plaintiff and approving his selection of counsel, the Court granted the Parties’ Joint Motion for an Order Setting Deadline for Filing Amended Complaint and Briefing Schedule. ECF No. 20.
4. Pursuant to the Court’s Order Setting Deadline for Filing Amended Complaint,

Plaintiff intended to file an amended complaint on December 1, 2023.

5. Plaintiff wishes to dismiss this action pursuant to the terms of this Joint Motion.

6. No class has been certified in this action, no compensation or consideration has been or will be paid to Plaintiff, and no agreements or promises have been made other than what is expressly reflected in this Joint Motion.

7. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties jointly request that the Action be voluntarily dismissed with prejudice as to Plaintiff, and without prejudice as to other putative class members, as against all Defendants. Because the dismissal is with prejudice as to Plaintiff only, and not as to any members of the putative class, notice of this dismissal is not required.

8. Each Party shall be responsible for his, her or its own costs or fees associated with the Action.

WHEREFORE, the Parties jointly seek entry of an order dismissing the action pursuant to the accompanying proposed order.

Dated: December 1, 2023

Respectfully submitted,

LEVI & KORSINSKY, LLP

/s/ Nicholas R. Lange

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*Attorneys for Defendants Baxter International Inc.,
Joseph E. Almeida, James K. Saccaro, and James
W. Borzi*

CERTIFICATE OF SERVICE

I, Nicholas R. Lange, the undersigned attorney, hereby certify that on the 1st day of December, 2023, I caused to be served a copy of the foregoing **JOINT MOTION FOR ORDER OF DISMISSAL** via the Court's CM/ECF system, on all counsel of record.

/s/ Nicholas R. Lange
Nicholas R. Lange